

Local Rule 37-1 – Discovery Disputes

(a) Required Actions Prior to Court Involvement. Prior to involving the court in any discovery dispute, including disputes involving depositions, counsel must confer in a good faith attempt to resolve the dispute. If any such dispute cannot be resolved in this manner, counsel are encouraged to contact the chambers of the assigned Magistrate Judge to determine whether the Magistrate Judge is available to resolve the discovery dispute by way of a telephone conference or other proceeding prior to counsel filing a formal discovery motion. When the dispute involves an objection raised during a deposition that threatens to prevent completion of the deposition, any party may recess the deposition to contact the Magistrate Judge's chambers.

(b) Requirements of Motion to Compel. In the event that the discovery dispute is not resolved at the conference, counsel may file a motion to compel or other motion raising the dispute. Any motion raising a discovery dispute must contain a statement setting forth the efforts taken to resolve the dispute, including the date, time, and place of any discovery conference and the names of all participating parties. The court may deny any motion raising a discovery dispute that does not contain such a statement.

(c) Pro Se Parties. Discovery disputes involving *pro se* parties are not subject to S.D. Ind. L.R. 37-1.

Notes: January 1, 2011 - Local Rule 37.1 was amended and consolidated with Local Rule 37.3, to encourage informal resolution of discovery disputes, including disputes that might otherwise derail a deposition. More complex discovery disputes may benefit from full briefing, but the amended rule recognizes that most discovery disputes can be resolved or at least narrowed by good faith efforts of counsel and intervention by the Magistrate Judge as necessary. The amendment also deletes prior language in the rule suggesting parties were required to file a separate statement regarding efforts to resolve the discovery dispute. The amended rule provides that such a statement must be contained in the motion.